

1979 WL 42876 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 20, 1979

*1 Purvis W. Collins

Director

South Carolina Retirement System

Sol Blatt Building, Second Floor

Columbia, South Carolina 29201

Dear Mr. Collins:

You have requested an opinion as to the legal status of the Orangeburg County Board of Education, and whether it is either a political subdivision of the State or an integral part or agency of the county.

The County Board was created by Act No. 256 of 1951, as amended. The Board's membership consists of the County Superintendent of Education, ex officio, and seven other members appointed by the Governor upon the recommendation of the Legislative Delegation. The Board has a certain degree of administrative responsibility and control over the eight school districts in Orangeburg County.

[Section 4-9-30\(6\) of the 1976 Code](#) of Laws, provides by implication that a necessary characteristic of something which is an agency of the county is that may be regulated, modified, merged or abolished by the governing board of the county. It is apparent that at least at present, the county governing board may not exercise any of the aforementioned means of control of the structure of the County Board of Education, which has its origin in statute and its members selected by a method beyond the power of the county to control.

For these reasons, it is the opinion of this Office that the Orangeburg County Board of Education is a political sub-division of the State rather than an integral part or agency of Orangeburg County. The fact that this question is being asked in connection with social security does not change this result, for the Social Security Act provides that the provisions of State law govern in determining whether an organization has the attributes of a political subdivision.

Sincerely yours,

Keneth P. Woodington

Assistant Attorney General

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